

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JONATHAN GHERTLER,

Defendant.

Indictment

23 Cr.

S(1) 93 CRIM 100

COUNT ONE
(Wire Fraud)

The Grand Jury charges:

1. From at least in or about May 2021 up to and including in or about February 2023, in the Southern District of New York and elsewhere, JONATHAN GHERTLER, the defendant, knowingly having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, GHERTLER defrauded portfolio companies of a global private equity firm and an investment firm out of over one million dollars by, in the course of impersonating senior leaders of those firms, directing the portfolio companies to fund non-existent internal investigations supposedly being performed by a shell company that GHERTLER controlled.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT TWO
(Making False Statements)

The Grand Jury further charges:

2. In or about February 2023, in the Southern District of New York and elsewhere, JONATHAN GHERTLER, the defendant, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully falsified, concealed and covered up by a trick, scheme, and device a material fact, and made a materially false, fictitious, and fraudulent statement and representation, to wit, GHERTLER made false and misleading statements to Special Agents with the Federal Bureau of Investigation and an Assistant United States Attorney by, among other things, falsely claiming to be the chairman of a global law firm who represented a portfolio company of an investment firm and, while impersonating that attorney, falsely stated that the portfolio company did not wish to make a criminal referral for a fraud that, in fact, GHERTLER had perpetrated.

(Title 18, United States Code, Sections 1001(a)(1), 1001(a)(2), and 2.)

COUNT THREE
(Aggravated Identity Theft)

The Grand Jury further charges:

3. From at least in or about May 2021 up to and including in or about February 2023, in the Southern District of New York and elsewhere, JONATHAN GHERTLER, the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, GHERTLER used the names of senior leaders of a global private equity firm and investment firm during and in relation to the wire fraud violation charged in Count One of this Indictment, and used the name of the chairman of a global law firm during and in relation to the making of false statements violation charged in Count Two of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), and 2.)

FORFEITURE ALLEGATION

4. As a result of committing the offense alleged in Count One of this Indictment, JONATHAN GHERTLER, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses and the following specific property:

- a. Any and all funds on deposit in Navy Federal Credit Union checking account 7143815251 and savings account 3170834067, both held in the name of "Jonathan D. Gherler," and all funds traceable thereto, including accrued interest; and
- b. A black 2019 Mercedes Benz E Class with VIN WDD1K6JB5KF079365.

Substitute Assets Provision

5. If any of the above described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)

John B. Main (DFP)
FOREPERSON

Damian Williams
DAMIAN WILLIAMS
United States Attorney

2/23/23 - Indictment Filed - No Warrants

USMS
Valerie Figueredo

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